

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

DEANNA ROBBINS,

Plaintiff,

v.

MERIT SYSTEMS PROTECTION  
BOARD,

Defendant.

No. 2:21-cv-00621-KJM-DMC

ORDER

Plaintiff, who is proceeding pro se, brings this civil action. The matter was referred to a United States Magistrate Judge as provided by Eastern District of California local rules.

On August 30, 2023, the Magistrate Judge filed findings and recommendations, which were served on the parties and which contained notice that the parties may file objections within the time specified therein. No objections to the findings and recommendations have been filed. Instead, plaintiff has filed an amended complaint. *See* First Am. Compl., ECF No. 26.

The court presumes that any findings of fact are correct. *See Orand v. United States*, 602 F.2d 207, 208 (9th Cir. 1979). The magistrate judge's conclusions of law are reviewed de novo. *See Robbins v. Carey*, 481 F.3d 1143, 1147 (9th Cir. 2007) ("[D]eterminations of law by the magistrate judge are reviewed de novo by both the district court and [the appellate] court


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1 . . .”). Having reviewed the file, the court finds the findings and recommendations to be  
2 supported by the record and by the proper analysis.

3 Accordingly, IT IS HEREBY ORDERED that:

- 4 1. The findings and recommendations filed August 30, 2023, are adopted in full.
- 5 2. Defendant’s motion to dismiss, ECF No. 21, is GRANTED.
- 6 3. Plaintiff’s complaint is DISMISSED with leave to amend.
- 7 4. Plaintiff has already filed a first amended complaint. First Am. Compl., ECF  
8 No. 26 (dated September 9, 2023). Plaintiff may proceed with the first amended complaint as  
9 filed or may file a new amended complaint within 30 days of receiving a copy of this order. If  
10 plaintiff does not timely file a new amended complaint, the first amended complaint as filed on  
11 ECF No. 26 shall be the operative complaint.
- 12 5. This matter is referred back to the Magistrate Judge for further proceedings.

13 DATED: September 25, 2023

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16 CHIEF UNITED STATES DISTRICT JUDGE  
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